

ADJOURNMENT

On motion of Senator Aikin the Senate at 11:08 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

January 30, 1973

S.C.R. 18

THIRTEENTH DAY

(Wednesday, January 31, 1973)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

A quorum was announced present.

The Reverend Clifford Zirkel of Tarrytown United Methodist Church, Austin, Texas, offered the invocation as follows:

Eternal God, we invoke your spirit in this Senate Chamber and also in the hearts and minds of these Senators. When they are exhausted by long meetings and longer speeches, grant them the perception to hear and accept your eternal word of peace and truth, and so find refreshment. When confused by complicated bills or conflicting proposals, lead them to a remembrance of your eternal laws and truths. When pressured from all sides by selfish interests, make these servants of the people sensitive to the inward pressure which comes from a lively and enlightened conscience. Sustain these persons, O God, in their ministries, for the sake of Thy people and purposes in our state. Through Jesus Christ our Lord. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

By Senators Traeger and Braecklein:

S.B. 126, A bill to be entitled An Act relating to the exemption of certain veterans from fees at state supported institutions of higher education;

amending Subsection (d), Section 54.203, Texas Education Code; and declaring an emergency.

To Committee on Education.

By Senators Traeger and Brooks:

S.B. 127, A bill to be entitled An Act relating to the authority of an insurer to designate a particular practitioner or practitioners of the healing arts in a policy of accident and sickness insurance and making certain provisions for advertising and dissemination of information of insurance coverage by practitioners of the healing arts or associations of such practitioners; amending Subsection B, Section 2, Chapter 397, Acts of the 54th Legislature, 1955, as amended (Article 3.70-2, Vernon's Texas Insurance Code); relating to the applicability of this Act to certain existing policies and all accident and sickness policies issued after the effective date of the Act; providing for severability; and declaring an emergency.

To Committee on Economic Development.

By Senator Wallace:

S.B. 128, A bill to be entitled An Act relating to the right of an injured employee to select a licensed physician or chiropractor under workmen's compensation law; amending Section 7, Article 8306, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

To Committee on Human Resources.

By Senator Longoria:

S.B. 129, A bill to be entitled An Act relating to capital improvements for Pan American University; amending Subchapter B, Chapter 55, Texas Education Code, as amended; and declaring an emergency.

To Committee on State Affairs.

By Senator Moore:

S.B. 130, A bill to be entitled An Act amending Chapter 722, Acts of the 59th Legislature, 1965, codified as Chapter 2, Code of Criminal Procedure, 1965, as amended, by adding a new Article 2.121, authorizing the appointment and designation by railroad companies of railroad peace officers; establishing their powers; establishing certain minimum qualifications; requiring the filing of their names with the Texas Commission on Law Enforcement Officer Standards and Education; authorizing the issuance thereby of a certificate of authority as a peace officer with revocation powers; establishing the railroad company's liability for their actions within the scope of their employment; absolving the state or any political subdivision thereof for any act or failure to act by such peace officer; providing for severability; and declaring an emergency.

To Committee on State Affairs.

By Senator Creighton:

S.B. 131, A bill to be entitled An Act relating to secured transactions; amending Chapter 9 and Sections 1.105, 1.201(9) and (37), 2.107, and 5.116, Business and Commerce Code, and adding a new Chapter 11; and declaring an emergency.

To Committee on Economic Development.

By Senator Brooks:

S.B. 132, A bill to be entitled An Act relating to the liability of persons supplying certain areas for recreational purposes without charge; and declaring an emergency.

To Committee on Human Resources.

By Senator Blanchard:

S.B. 133, A bill to be entitled An Act relating to the amount of indebtedness that can be insured under and exemptions from certain laws covering

mortgage guaranty insurance; amending Sections 2 and 7, Article 21.50, Insurance Code; and declaring an emergency.

To Committee on Economic Development.

By Senator Mengden:

S.B. 134, A bill to be entitled An Act relating to student services fees, building use fees, and student union fees at state-supported institutions of higher education; amending Subsection (b), Section 54.503, Texas Education Code; amending Section 55.16, Texas Education Code; repealing Subsection (f), Section 54.503; and declaring an emergency.

To Committee on State Affairs.

By Senator Aikin:

S.B. 135, A bill to be entitled An Act amending subsections (a), (b) and (c) of Section 3.59 of the Texas Education Code; relating to composition, appointment and terms of the State Board of Trustees of the Teacher Retirement System, providing this Act to be severable; and declaring an emergency.

To Committee on Education.

By Senator Moore:

S.C.R. 21, Authorizing Board of Directors of Texas A and M University to use proceeds from sale of bonds for construction of certain buildings.

To Committee on State Affairs.

By Senator Adams:

S.C.R. 23, Granting permission to W. D. Harper, et al., to sue State of Texas.

To Committee on Jurisprudence.

By Senator Adams:

S.C.R. 24, Granting permission to Paul Glass to sue State of Texas.

To Committee on Jurisprudence.

By Senator Adams:

S.C.R. 25, Granting permission to Wilma Perkins Jorgenson to sue State of Texas.

To Committee on Jurisprudence.

REPORTS OF STANDING COMMITTEES

Senator Brooks submitted the following reports for the Committee on Human Resources:

S.B. 32

S.B. 37

Senator Herring submitted the following report for the Committee on Jurisprudence:

S.C.R. 11

Nomination of The Honorable Max Rogers of Huntsville, Walker County, to be Presiding Judge of the 2nd Administrative Judicial District of Texas.

Nomination of The Honorable Curtiss Brown of Houston, Harris County, to be Associate Justice of the Fourteenth Court of Civil Appeals, 14th Judicial District of Texas.

Nomination of The Honorable Richard Handorf of Palestine, Anderson County, to be District Attorney of the 3rd Judicial District of Texas,

Anderson County.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, January 31, 1973

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 3, A bill to be entitled An Act relating to the requirement that meetings of governmental bodies be open to the public; providing penalties; amending Section 1, 2, 3A, and 4, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6252-17, Vernon's Texas Civil Statutes); and declaring an emergency.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

MOTION REGARDING NOMINATIONS

Senator Ogg asked unanimous consent that the nominations of The Honorable Curtiss Brown to be Associate Justice of the Fourteenth Court of Civil Appeals, 14th Judicial District of Texas; The Honorable Max Rogers to be Presiding Judge of the 2nd Administrative Judicial District of Texas; and The Honorable Richard Handorf to be District Attorney of the 3rd Judicial District of Texas, be considered in the Executive Session scheduled for today.

EXECUTIVE SESSION

Senator McKinnon announced that the time had arrived for an Executive Session of the Senate (he having given Notice on yesterday).

Senator Schwartz moved that Senate Rule 41 be suspended in order to consider nominations scheduled for today in Open Session.

The motion was lost by the following vote: (Not receiving two-thirds vote of the Members present) Yeas 17, Nays 14.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Hightower, Mauzy, McKinnon, Meier, Patman, Schwartz, Sherman and Wolff.

Nays: Blanchard, Harris, Herring, Jones, Kothmann, Longoria, McKnight, Mengden, Moore, Ogg, Santiesteban, Snelson, Traeger and Wallace.

Accordingly, the President at 10:53 o'clock a.m. directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session, the President called the Senate to order As In Legislative Session at 11:44 o'clock a.m. today.

NOMINEES CONFIRMED

Senator McKinnon moved confirmation of the nominees heard in Executive Session.

Senator Aikin made a Parliamentary Inquiry concerning procedure to be followed on motions to sever nominees.

The President ruled as follows: "At the conclusion of an Executive Session, a request will be required from the floor to sever a nominee. This request will automatically be granted by the Chair and a separate vote will be taken on the severed nominee."

Senator Mauzy requested a severance on Dr. James E. Bauerle, to be a Member of the Board of Regents of The University of Texas; Edward A. Clark, to be a Member of the Board of Regents of The University of Texas; and Allan Shivers, to be a Member of the Board of Regents of The University of Texas.

Senator Brooks requested a severance on Joe H. Reynolds, to be a Member of the Board of Directors of the A and M University System.

The following nominees were confirmed by the Senate:

To be Presiding Judge of the 2nd Administrative Judicial District of Texas: For a four-year term to expire December 31, 1976: The Honorable Max Rogers of Huntsville, Walker County, to replace The Honorable James F. Warren, of Huntsville, Walker County, who resigned.

To be District Attorney of the 3rd Judicial District of Texas, Anderson County, Palestine, Texas until the next general election and until his successor shall be duly elected and qualified: The Honorable Richard Handorf, of Palestine, Anderson County, to replace The Honorable Mack Wallace, of Athens, Henderson County, who resigned.

To be Associate Justice of the Fourteenth Court of Civil Appeals, 14th Judicial District of Texas until the next general election and until his successor shall be duly elected and qualified: To fill the unexpired term of The Honorable John M. Barron of Houston, Harris County, who resigned: The Honorable Curtiss Brown of Houston, Harris County.

MEMBERS, THE TEXAS A AND M UNIVERSITY BOARD OF DIRECTORS:

Clyde H. Wells, of Granbury, Hood County, Texas.
Mrs. Wilmer Smith, of Wilson, Lynn County, Texas; and
Richard A. Goodson, of Dallas, Dallas County, Texas.

MEMBERS, TEXAS AERONAUTICS COMMISSION:

Lucien Flournoy, of Alice, Jim Wells County, Texas;
David A. Witts, of Dallas, Dallas County, Texas.

The nominees were confirmed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Question recurring on the request by Senator Mauzy on the confirmation of Dr. James E. Bauerle.

Dr. Bauerle was confirmed by the following vote: Yeas 29, Nays 2.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Brooks and Mauzy.

Question recurring next on the request by Senator Mauzy on the confirmation of Edward A. Clark.

Ambassador Clark was confirmed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Mauzy.

Question recurring next on the request by Senator Mauzy on the confirmation of Allan Shivers.

Governor Shivers was confirmed by the following vote: Yeas 28, Nays 3.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Clower, Creighton, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Brooks, Gammage and Mauzy.

Question recurring next on the request by Senator Brooks on the confirmation of Joe H. Reynolds.

Mr. Reynolds was confirmed by the following vote: Yeas 29, Nays 2.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Clower, Creighton, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Brooks and Gammage.

HOUSE BILL ON FIRST READING

The following bill received from the House, was read the first time and referred to the Committee indicated:

H.B. 3, To Committee on Jurisprudence.

CO-AUTHOR OF SENATE BILL 34

On motion of Senator Herring and by unanimous consent, Senator Santiesteban will be shown as Co-author of S.B. 34.

SENATE JOINT RESOLUTION 3 ON SECOND READING

The President laid before the Senate on its second reading and passage to engrossment:

S.J.R. 3, Proposing an amendment to Article IV, Section 4, of the Texas Constitution, to provide that a person who has served two consecutive terms as governor may not succeed himself.

The resolution was read second time.

Senator Brooks offered the following amendment to the resolution:

Amend S.J.R. 3 by striking the date "May 5, 1973" where it appears in Section 2 of the Resolution and substituting the date "November 6, 1973" in lieu thereof.

The amendment was read.

Senator Aikin raised the Point of Order that the resolution had not been submitted as an emergency by the Governor and therefore Senate Rules 12 and 89 and Article III of the State Constitution must be suspended.

The President sustained the Point of Order.

MOTION TO PLACE SENATE JOINT RESOLUTION 3 ON SECOND READING

Senator Gammage then moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that S.J.R. 3 be placed on its second reading and passage to engrossment.

The motion was lost by the following vote: (Not receiving four-fifths vote of the Members present) Yeas 18, Nays 13.

Yeas: Adams, Aikin, Braecklein, Brooks, Gammage, Harrington, Herring, Hightower, Jones, Kothmann, Longoria, Meier, Ogg, Santiesteban, Schwartz, Sherman, Snelson and Wallace.

Nays: Andujar, Blanchard, Clower, Creighton, Harris, Mauzy, McKinnon, McKnight, Mengden, Moore, Patman, Traeger and Wolff.

MEMORIAL RESOLUTIONS

S.C.R. 22 - By Senator Adams: Memorial resolution for Martin Dies, Sr.

S.R. 63 - By Senator Adams: Memorial Resolution for Mrs. Della Adams.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 64 - By Senator Clower: Extending welcome to Councilman Woody Brownlee, et al.

S.R. 65 - By Senator Aikin: Extending welcome to Mr. and Mrs. Harold Wallace.

S.R. 66 - By Senator Hightower: Extending welcome to Ross Murrell.

S.R. 67 - By Senator McKinnon: Extending welcome to Senior Government Class, Refugio High School.

S.R. 68 - By Senator Herring: Extending congratulations to James C. Dingwall.

ADJOURNMENT

On motion of Senator Aikin the Senate at 12:06 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

FOURTEENTH DAY (Thursday, February 1, 1973)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

The following Senator was absent-excused: McKinnon.

A quorum was announced present.

The Reverend Clifford Zirkel of Tarrytown United Methodist Church, Austin, Texas, offered the invocation as follows:

Almighty God, as the Secretary calls the roll each day so that these Senators may record their presence here, so daily do you call them to indicate their response to your presence. O Lord, in every bill and proposal you are present, calling these your ministers to vote for righteousness rather than for what is expedient; to vote for justice rather than for special privilege; to vote for whatever ennobles all men rather than for what empowers a few. Keep these your servants mindful that politics without religious faith leads to a dehumanized society; and religion without political action leads to irrelevant sentimentality. Sustain and guide these Senators, O God, with a lively faith expressed in creative, courageous deeds. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator McKinnon was granted leave of absence for today on account of important business on motion of Senator Aikin.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, February 1, 1973

Honorable William P. Hobby